

REMARKS

Claims 1-10 are all the claims pending in the application. The Examiner rejects claims 1 and 4-7 under 35 U.S.C. §102(b) as being anticipated by Chiang (US 4,239,269). Further, the Examiner rejects claims 2-3 as being unpatentable over Chiang in view of Hughes et al. (US 6,625,425); and claims 8-10 as being unpatentable over Chiang.

Applicant appreciates acknowledgement of foreign priority under 35 U.S.C. §119(a)-(d).

§ 102(b) Rejection

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). *See*, MPEP 2131.

The present invention relates to a locking mechanism for securing a battery compartment cover to a mobile communications terminal body, wherein a single release device actuates two or more locking members. When the release device is operated, the two or more locking members move to release latching members that are fixed to a battery compartment cover thereby releasing the battery compartment cover from a mobile communications terminal body. Each of the release device and locking members are spring biased, and each of the locking members, when actuated, move in different directions. *See*, App. Figs. 5-8.

Claim 1

Independent claim 1 stands rejected under 35 U.S.C. §102(b) as being anticipated by Chiang. Chiang is directed to a locking mechanism used for securing two shells of a luggage case together. The Chiang mechanism comprises a spring biased button member (reference 30, Figs. 4-5) having a hook-hole (reference 33) attached to one shell of a piece of luggage, and a hook (reference 8) attached to the other shell of the piece of luggage. The hook enters and is engaged by the hook-hole to secure the two shells together. A bias spring (reference 35) maintains the hook-hole in engagement with the hook, and a force operating the button member

to overcome the spring bias moves the button member thereby disengaging the hook-hole with the hook allowing the hook to be withdrawn from the hook-hole, and thereby allowing the two shells of the piece of luggage to separate.

Applicant amends claim 1 to clearly recite “the lock release device operatively coupled to the plurality of locking members.” Claims 2-10 have also been amended to reflect the amendments to claim 1. Chiang does not teach a plurality of locking members (the application’s locking member is analogous to Chiang’s hook-hole, and the application’s latching member to Chiang’s hook), but teaches only a single button member having a single hook-hole, wherein the hook-hole is formed as a part of the button member. Because Chiang teaches only a single locking member operated by a single lock release device, Chiang does not teach the limitation of claim 1 wherein a single lock release device operates a plurality of locking members.

Further, because Chiang teaches a hook-hole as an integral part of the button member (*see* ‘269, col. 2, lines 46-48, “The button member 30 also has a hook-hole on its top body wall.”), the button member cannot be “in partial frictional contact” with the hook-hole as required by claim 1.

For at least this reason, Applicant asserts that independent claim 1 is patentable over Chiang, and respectfully requests reconsideration and withdrawal of the rejection.

Dependent claims 4-7

Each of the above listed dependent claims depends from a now allowable independent claim and is therefore allowable for at least this reason. Applicant respectfully request reconsideration and withdrawal of the rejections.

§ 103(a) Rejection

Claims 2-3 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Chiang in view of Hughes, and claims 8-10 as being unpatentable over Chiang. To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of

ordinary skill in the art to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. *See*, MPEP 2143.

Claims 2-3

The Examiner rejects claims 2-3 as being unpatentable over Chiang in view of Hughes citing the limitations of removably locking a battery cover to the main body of a mobile telephone and a locking leg. Hughes relates to a latching mechanism for a module cover of a wireless communication terminal.

Hughes does not teach a single release device operating a plurality of locking members, and therefore fails to cure the defect present in Chiang. Chiang and Hughes, taken alone or in combination, do not teach this limitation of claim 1. For this reason, a *prima facie* case for obviousness must fail.

Each of the above listed dependent claims depends from a now allowable independent claim and is therefore allowable. Applicant respectfully request reconsideration and withdrawal of the rejections.

Claim 8-10

The Examiner relies upon Chiang and the ordinary skill of the art to teach moving the spring loaded lock releases from the front of the luggage to the sides in order to have the second spring bias's direction being opposite of the first spring bias.

Claim 1 teaches a locking mechanism having a lock release device and a plurality of locking members, wherein at least one of the locking members moves in a first direction (claim 7) and the locking release device moves in a second direction (claim 8), and wherein the first direction is substantially perpendicular to the second direction (claim 9). As argued above, Chiang's button member is analogous to the applications locking release device, and Chiang's hook-hole is analogous to the locking member. Because the hook-hole is an integral part of the button member, the hook-hole and the button member must move in the same direction when the

button member is operated. Therefore, the first direction and the second direction are the same and cannot be perpendicular to each other as required by claim 9.

Therefore, Chiang and the ordinary skill of the art do not teach a lock release device and a locking member that move in directions perpendicular to each other as required by claims 8 and 9. For this reason, a *prima facie* case for obviousness must fail.

New claims 11-20

Applicant adds claims 11-20 to further claim his invention. These claims are drawn to a locking device for a mobile communications device battery cover, and more particularly to a locking device having two locking and latching members. No new matter is contained in these claims, and Applicant respectfully requests consideration, examination and allowance.

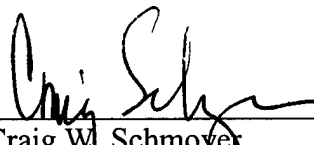


CONCLUSION

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,
Lee, Hong, Degerman, Kang & Schmadeka

Date: March 13, 2006

By: 
Craig W. Schmoyer
Registration No. 51,007
Attorney for Applicant(s)

Customer No. 035884

LEE, HONG, DEGERMAN, KANG & SCHMADEKA
801 S. Figueroa Street, 14th Floor
Los Angeles, CA 90012
Telephone: (213) 623-2221
Facsimile: (213) 623-2211